IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.6447 OF 2005

Shri Ramchandra Maruti Ithape ...Petitioner
Versus
The Sarpanch,
Grampanchayat, Chindhavali ...Respondent

Shri Dilip Bodake for the Petitioner.
Shri Pradip S. Gole for the Respondent.

CORAM : ABHAY S.OKA, J.
DATED : JUNE 08, 2007.

P.C.:

1. Heard the learned Advocates appearing for the parties. On Application made by the Petitioner-original Plaintiff, by an order dated 20th August, 2003 the Taluka Inspector of Land Records (for short 'TILR') who is the Survey Officer under the Maharashtra Land Revenue Code, 1966 was appointed as a Court Commissioner to measure the suit property as described in paragraph No.1 of the plaint. In paragraph No.1 of the plaint, the suit property is described as a property bearing city survey No.85. Thus, the survey was ordered to be made of the property described as city survey No.85. A report was submitted by the Taluka Inspector of Land Records to the trial Court pointing out that the survey as per the order of the trial Court cannot be carried out as work of city survey has not been completed in the concerned village and the process was going on. An Application was made by the Petitioner for seeking directions against the T.I.L.R to carry out the

commission work. The said Application has been rejected by the impugned order dated 22nd February, 2005 by observing that as of that day city survey No.85 was not in existence as the city survey is not complete.

2. Shri Bodake appearing for the Petitioner invited my attention to various documents including a certified copy of map on page 56 of the Petition. He submitted that the documents annexed to the Petition show that work of city survey has been completed and city survey No.85 has been assigned to the suit property.

3. On the face of the documents which are produced, the contentions of the Petitioner cannot be accepted. Map on page 56 describes ‘chalta’ numbers and not the city survey numbers. The document at page 52, at highest, is evidence of the fact that work of city survey is in progress. Therefore, as of today no interference can be made with the impugned order. As and when the process of city survey is completed by authorities under the said Code of 1966, the Petitioner can always apply to the trial Court for necessary directions to the Taluka Inspector of Land Revenue Records to carry out the work of commission as per the order passed below Exhibit 29.

4. Subject to what is stated above, Writ Petition is rejected.

JUDGE